

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LAURA J. VASQUEZ,

Plaintiff,

v.

No. 13-cv-0777 LH/SMV

TIERRA DEL SOL HOUSING CORP.,

Defendant.

ORDER DENYING PLAINTIFF’S MOTION TO COMPEL

THIS MATTER is before the Court on Plaintiff’s Motion to Compel Defendant Tierra Del Sol to Respond Adequately to Discovery [Doc. 17] (“Motion”), filed on February 14, 2014. Defendants responded on February 28, 2014. [Doc. 18]. Plaintiff filed no reply, and the time for doing so has passed. The Court, being fully advised in the premises, finds that Plaintiff’s Motion is untimely and shall be DENIED.


Under Local Rule 26.6, a party served with an objection to an interrogatory or request for production must file a motion to compel within 21 days of service of the objection. D.N.M.LR-Civ. 26.6. “Failure to proceed within this time period constitutes acceptance of the objection.” *Id.*

Plaintiff served her interrogatories and requests for production on Defendant on September 18, 2013. [Doc. 17] at 2. Defendant served responses and objections on October 16, 2013. [Doc. 14]. Plaintiff filed the instant Motion on February 14, 2014—122 days after objections were served. In response to the Motion, Defendants assert that Plaintiff’s motion is

untimely. Plaintiff filed no reply and does not dispute that her motion is untimely. Therefore, the Court shall deny the Motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Compel Defendant Tierra Del Sol to Respond Adequately to Discovery [Doc. 17] is **DENIED.**

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge